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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,231	07/28/2005	Kazuhiko Minami	57878US004	2718

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EXAMINER

HUTCHINSON, SHAWN R

ART UNIT	PAPER NUMBER
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1794

NOTIFICATION DATE	DELIVERY MODE
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02/11/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

LegalUSDocketing@mmm.com
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Office Action Summary

Application No.

10/518,231

Applicant(s)

MINAMI, KAZUHIKO

Examiner

SHAWN R. HUTCHINSON

Art Unit

1794

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/14/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 11/14/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1 & 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takei, et al. {Takei} (US 5362357 A) in view of Miyajima et al. {Miyajima} (JP 56008477 A).

Takei teaches a color selecting mask (optical filter) for a color cathode-ray tube. A peelable pressure-sensitive adhesive (62) is used to adhere a thermoplastic film (61) forming the peelable sheet (11). The sheet is adhered to a thin metal sheet, which has apertures in the shape of a grille or a plurality of parallel slots etched into the other side. ({Takei} C5:L22-C6:L8). The adhesive that comprises acrylic, Takei

teaches, is utilized for basic properties of being peelable and is preferably left on the metal sheet ({Takei} C11:L5-C13:L20).

FIG. 8

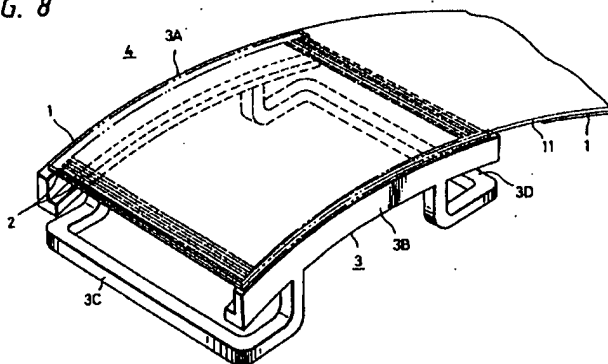


FIG. 17



The peeling strength of the film varies from 3- to 70-g·cm⁻² depending on the amount of ultraviolet radiation at a speed of 300-mm·min⁻¹ at an angle of 180-degrees. While the speed is somewhat slower than the claimed invention, it clearly establishes that the peel strength depending on the speed is an optimized result-effective variable dependent upon the manufacturing conditions, adhesive used, and the treatment used thereon to cure the adhesive ({Takei} C11:L15-28). Optimization of result-effective variables is considered unpatentable; see *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

Takei is silent regarding other acceptable adhesives used in peelable applications. Miyajima teaches a resealing (peelable) adhesive composition that comprises a chlorinated polyolefin. Substituting a different adhesive composition for a similar peelable film application yielding predictable results is unpatentable; see *KSR*, 550 U.S. at ___, 82 USPQ2d at 1396.

Art Unit: 1794

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takei, et al. {Takei} (US 5362357 A) in view of Miyajima et al. {Miyajima} (JP 56008477 A) as applied to Claim 1 in further view of Shepard et al. {Shepard} (US 5581068 A).

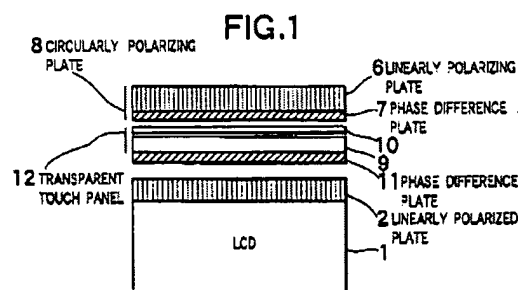
As discussed above, Takei teaches a color selecting mask (optical filter) for a color cathode-ray tube. A peelable sheet is adhered to a thin metal sheet, which has apertures in the shape of a grille or a plurality of parallel slots etched into the other side. ({Takei} C5:L22-C6:L8). Takei is silent regarding the sheet comprising a louvered film, however the metal functionally equivalent as louvered in that they control and alter the optical display characteristics ({Takei} C3:L31-37), which is defined in more detail by Shepard ({C3:L54-C4:L6}). Based on the figure and description of the etching in the filter and the way the filter is constructed in comparison to Applicant's Fig. 1 with the louvered sheet inside the filter, it is reasonable to consider the aperture grille as being an obvious variant thereof. Burden to prove otherwise is Applicant's; see *In re Fitzgerald*, 619 F.2d 67, 70, 205 USPQ 594, 596 (CCPA 1980).

5. Claims 4 & 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takei, et al. {Takei} (US 5362357 A) in view of Miyajima et al. {Miyajima} (JP 56008477 A) as applied to Claim 1 & 2, in view of Shepard et al. {Shepard} (US 5581068 A) as applied to Claim 3, and in further view of Sawai et al. {Sawai} (US 6020945 A).

Takei teaches a color selecting mask (optical filter) for a color cathode-ray tube. A peelable pressure-sensitive adhesive (62) is used to adhere a thermoplastic film

(61) forming the peelable sheet (11). The peelable sheet is used primarily as a means for protecting the filter during manufacturing and is incorporated into the optical body after assembly ({Takei} C12:L21-36). Applicant likewise includes the peelable filter within the assembly between the light-exiting surface and the back surface of the touch panel module that is recited in parts (C) and (ii). Takei is silent regarding the use of such a filter in a touch screen display unit.

Sawai teaches an optical filter that prevents the reflection of external light and improves the signal in a touch panel or screen (12) display with a pressure-sensitive adhesive (20) ({Sawai} C4:L30-C6:L10 | Example 4). Between the liquid crystal display (LCD) screen and the touch panel, there is a linearly polarized plate (2) that filters but doesn't change the light emitted from the device ({Sawai} C7:L12-22). The purpose of the filter here is to improve the properties of the light from the touch screen before presenting the light to the viewer ({Sawai} C4:L30-36).



At the time of the invention, it would have been obvious to one of ordinary skill in the art to place an optical filter with peelable film layer (with optimized properties and optionally a louvered layer) {Takei} and optionally to assist in controlling the properties of the light in the touch screen display {Sawai}. The motivation in order to protect the

Art Unit: 1794

filter during and after manufacturing ({Takei} C12:L21-36) and to improve the properties of the emitted light ({Sawai} C4:L30-36). Thus it would have been obvious to combine Takei with Sawai to obtain the claimed invention.

Conclusion

Any inquiry concerning this communication should be directed to SHAWN R. HUTCHINSON whose telephone number is (571)270-1546. The examiner can normally be reached on 7 AM to 5 PM, M-H.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on (571) 272-1284. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197. If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 or 571-272-1000.

/Shawn R. Hutchinson/
Examiner, Art Unit ~~4174~~
1794 cc


CAROL CHANEY
SUPERVISORY PATENT EXAMINER